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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,097	05/31/2001	Martin M. Morris	6M26 1-010 170941-1	9304

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EXAMINER

KASENGE, CHARLES R

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 03/26/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Office Action Summary**

Application No.

09/871,097

Applicant(s)

MORRIS, MARTIN M. 

Examiner

Charles R Kasenge

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3, 5-10, and 12-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Greenfield et al. U.S. Patent 5,737,227. Greenfield discloses an apparatus and method providing identification, monitoring, and tracking of facilities maintenance (abstract), comprising: an interactive information storage device (col. 2, lines 39-43 and Fig.2) configured for receiving and retaining at least one facility profile (col. 3, lines 8-12), said facility profile including a facility identification (col. 4, lines 5-12), at least one process area descriptor, at least one substrate associated with each process area descriptor (col. 13, lines 41-42), and associated with each substrate a substrate condition, a substrate environment (col. 4, lines 60-64), a substrate process priority (col. 2, lines 15-20), and a substrate area (col. 5, lines 13-18); an analyzer for evaluating said substrate condition, substrate environment, and substrate process priority to determine a substrate ranking (col. 2, lines 39-43); an estimator for applying standard work information to the substrate condition, substrate environment, substrate process priority, and substrate area to determine a substrate maintenance estimate (col. 2, lines 20-25); a reporter for generating maintenance specifications of the substrate maintenance estimates and substrate ranking for a selected one of the facility profiles (col. 2, lines 9-15).

Greenfield discloses the apparatus and method further comprising a substrate

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maintenance specification associated with each different type of substrate (col. 4, lines 17-23), said substrate maintenance specification comprising at least a maintenance purpose, a maintenance preparation, and a maintenance coating, for specifying maintenance tasks and bidding thereon (col. 5, lines 34-38).

Greenfield discloses the apparatus and method further comprising at least one substrate maintenance history for at least one of said substrates, each substrate maintenance history comprising a job identification, a job notes (col. 11, lines 16-19), and a job cost, for tracking maintenance projects for said substrate (col. 12, lines 53-65).

Greenfield discloses the apparatus and method wherein said reporter generates an evaluation for a selected one of the substrates based on said substrate maintenance history and said substrate maintenance estimate (col. 9, lines 35-44). The apparatus and method further comprises a substrate factor based on said substrate maintenance history (col. 7, lines 24-30).

Greenfield discloses the method where maintenance specifications performed on substrates revise the substrate information contained on the interactive information storage device (col.12, lines 27-34). The method further comprises the steps of completing at least one substrate maintenance project, copying the prior information about the substrate to a substrate history (col. 3, lines 2-6), and editing the substrate information to reflect changes based on the maintenance project (col. 12, lines 27-34).

*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 4, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greenfield as applied to claims 1, 3, and 10 above, and further in view of Storch et al. U.S. Patent 5,920,846. Greenfield does not expressly disclose using a computer network or a maintenance request for the facility maintenance invention. Storch discloses a method and apparatus wherein said interactive information storage device comprises a remotely located first computer device accessible through an interactive computer network by at least one second computer device associated with said facility profile (abstract). The apparatus further comprising a bid generator for preparing maintenance services requests (abstract).

At the time this invention was made, it would have been obvious to a person of ordinary skill in the art to implement a computer network and a bid generator for preparing maintenance requests for Greenfield's facility maintenance apparatus and method. One of ordinary skill in the art would have been motivated to do this since a network would enable more facilities to be monitored and enabling maintenance service requests to include multiple facilities.

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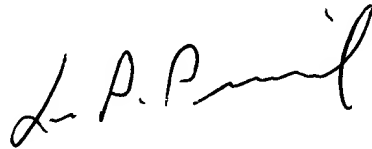
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles R Kasenge whose telephone number is 703 305-8592. The examiner can normally be reached on Monday through Friday, 8:30 - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Picard can be reached on 703 308-0538. The fax phone numbers for the organization where this application or proceeding is assigned are 703 746-7239 for regular communications and 703 746-7239 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308-0538.

CK  
March 23, 2003

A handwritten signature in black ink, appearing to read "L. Picard", with a stylized flourish at the end.

**LEO PICARD  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100**